

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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Dec 11 2020

APPEAL FROM THE ADMINISTRATIVE LAW COURT
The Honorable Shirley C. Robinson, Administrative Law Judge

SC Court of Appeals

Case No. 17-ALJ-07-0441-CC
Case No. 17-ALJ-07-0444-CC
Appellate Case No. 2020-001072

Trident Medical Center, LLC, d/b/a Trident Medical Center and
Summerville Medical Center, Petitioner/Respondent,

v.

South Carolina Department of Health and Environmental Control and
Medical University Hospital Authority d/b/a MUSC Health Emergency
Services, Respondents,

Of Whom, Medical University Hospital Authority d/b/a MUSC Health
Emergency Services is Appellant.

CareAlliance Health Services, d/b/a Roper St. Francis Healthcare, Roper
Hospital, Inc., Bon Secours-St. Francis Xavier Hospital, Inc., Roper
Mount Pleasant Hospital and Roper St. Francis Berkeley Hospital, Petitioner/Respondent,

v.

South Carolina Department of Health and Environmental Control and
Medical University Hospital Authority d/b/a MUSC Health Emergency
Services, Respondents,

Of Whom, Medical University Hospital Authority d/b/a MUSC Health
Emergency Services is Appellant.

**INITIAL BRIEF OF RESPONDENT SOUTH
CAROLINA DEPARTMENT OF HEALTH AND
ENVIRONMENTAL CONTROL**

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Control*

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 case hearing did not violate, by letter or by spirit, Section 1-23-360.2

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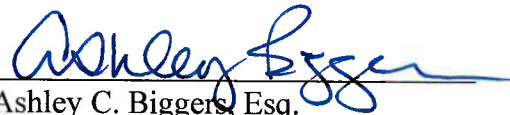
Respondent South Carolina Department of Health and Environmental Control (“DHEC” or “Department”) submits the following response to Issue No. 5 raised by Appellant Medical University Hospital Authority d/b/a MUSC Health Emergency Services (“MUHA”).

ARGUMENT

Communication between co-respondents MUHA and DHEC during the contested case hearing did not violate, by letter or by spirit, Section 1-23-360.

With respect to Issue No. 5 raised by MUHA in its Appellant’s Brief, DHEC concurs that no violation of Section 1-23-360 occurred. DHEC adopts MUHA’s argument on this issue. Further, fair and equal dealing and transparency is of utmost importance to the Department. However, nothing prohibits DHEC staff from communicating with applicants or affected persons in a CON proceeding who have requested an opportunity to communicate with the Department. Any finding to the contrary would hamstring Department staff, applicants, and other interested parties, and would hamper the process.

Respectfully submitted,



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PROOF OF SERVICE

The undersigned hereby certifies that on December 11, 2020, copies of the *INITIAL BRIEF OF RESPONDENT SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL* were served on all counsel of record via electronic mail containing the above-referenced document to each counsel's individual AIS email address pursuant to SC Supreme Court COVID Order 2020-05-29-02 as follows:

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